



Protecting DoD Maritime Mobility

—

The UN and the IMO

CDR John Kauffman, JAGC, USN

**Head, Law of the Sea Department, Office of the
Navy JAG International & Operational Law Division**

CDR James Kraska, JAGC, USN,

Oceans & Maritime Policy,

Strategic Plans and Policy (J-5), The Joint Staff

Maritime Mobility



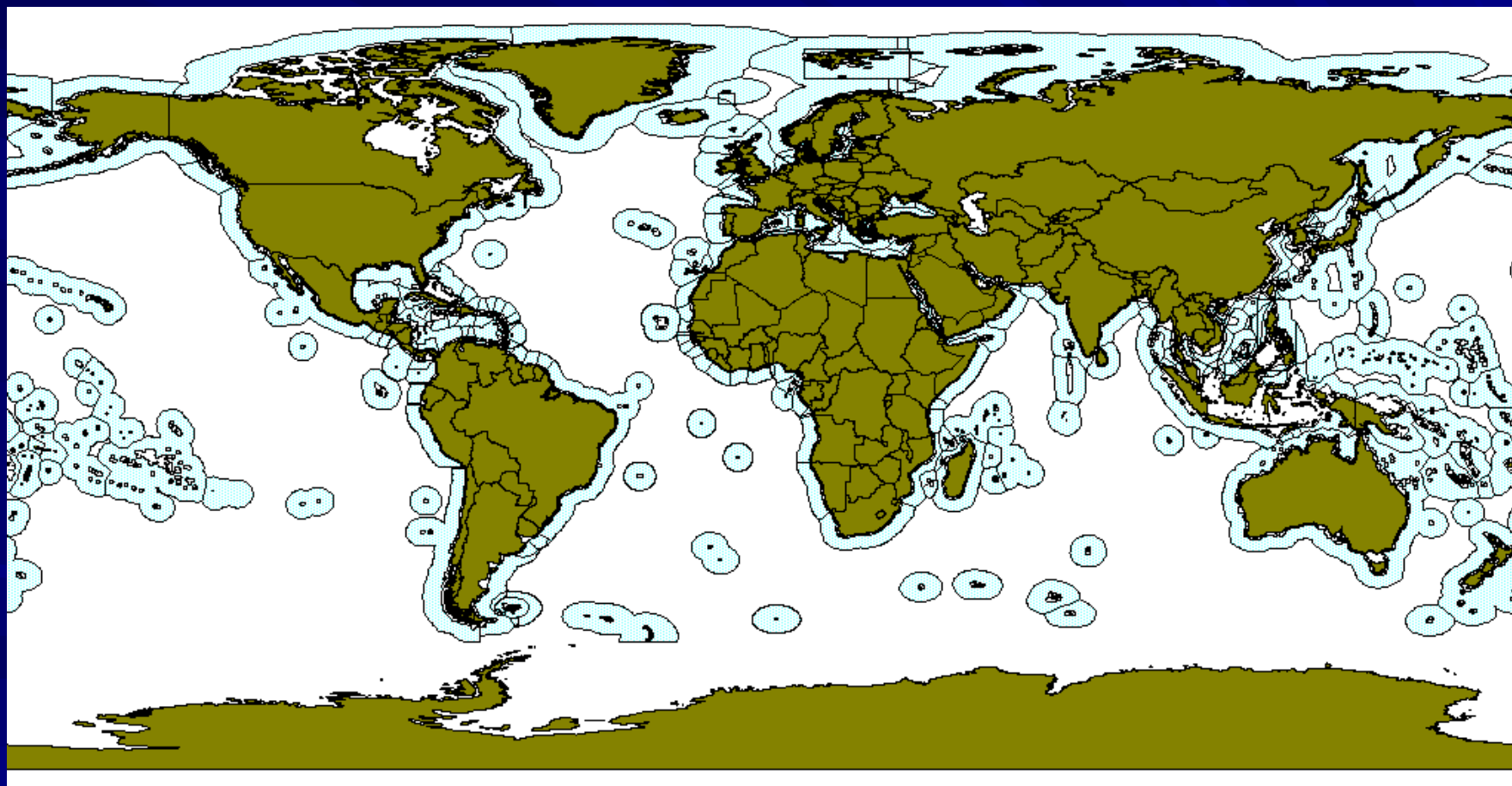
- **PDD 32 “Freedom of Navigation”**
- **DoDI C-2005.1 “Freedom of Navigation” Program**
- **CJCSI 2420.10B, “United States Freedom of Navigation Program”**

UNCLOS

- **Baselines**
- **Territorial Sea**
- **Exclusive Economic Zone**
- **High Seas**
- **Straits Used for International Navigation**



UNCLOS - EEZs



United Nations

■ Forums

- UNICPOLOS and UNGA

■ Issues

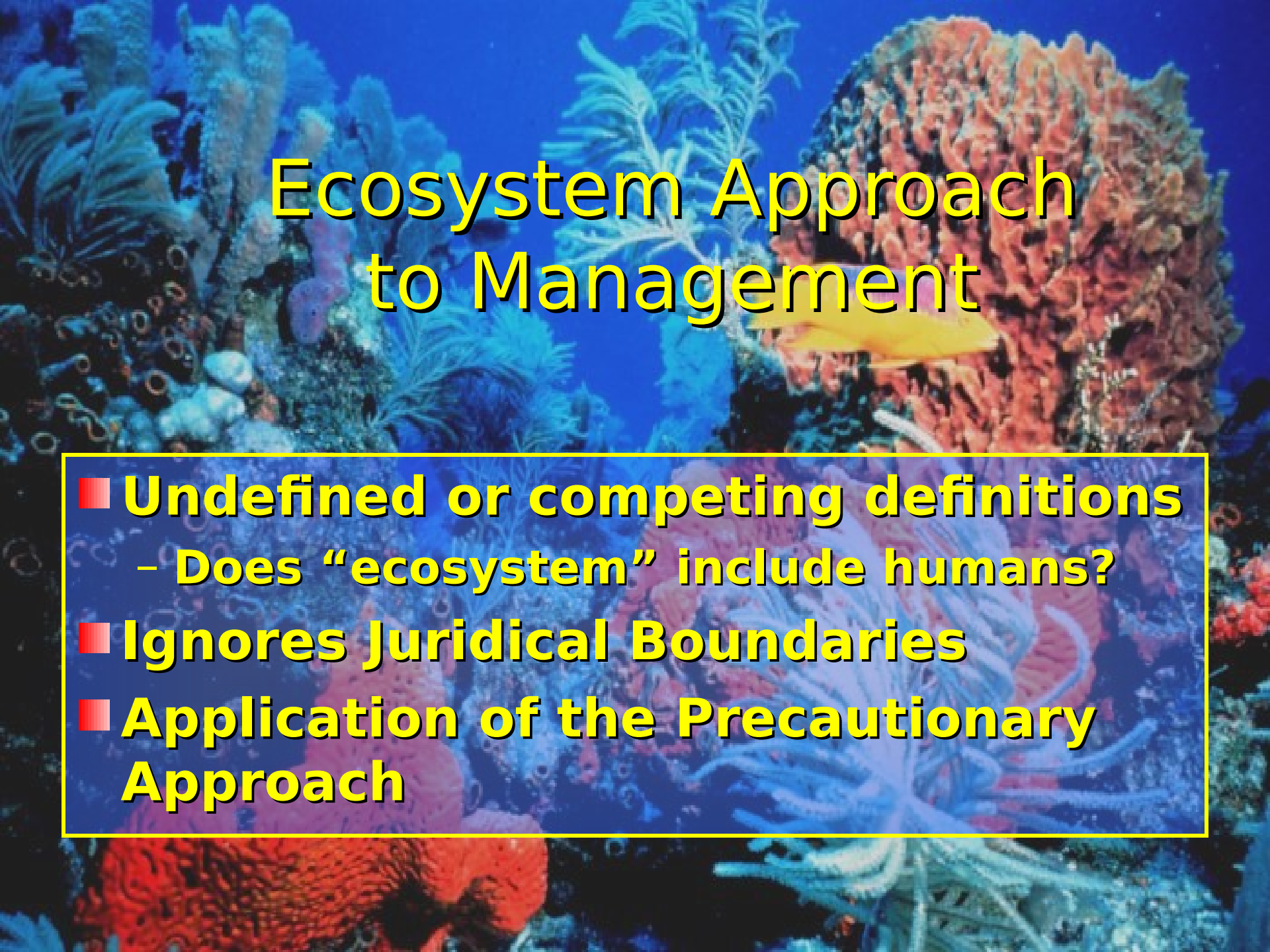
- MPAs in Areas Beyond National Jurisdiction (ABNJ) – Network of High Seas MPAs
- Eco-system Approach to Management (EAM)
- Precautionary Approach
 - 1992 Rio Declaration



Marine Protected Areas

- **Designation process**
 - New implementing Agreement?
- **Definition(s)**
- **Protective measures**
 - Clearly delineated imp
 - Strong causal link
 - Consistent with UNCLO





Ecosystem Approach to Management

- **Undefined or competing definitions**
 - Does “ecosystem” include humans?
- **Ignores Juridical Boundaries**
- **Application of the Precautionary Approach**

International Maritime Organization

■ Forums

- MEPC
- MSC

■ Issues

- PSSAs

■ Torres Strait

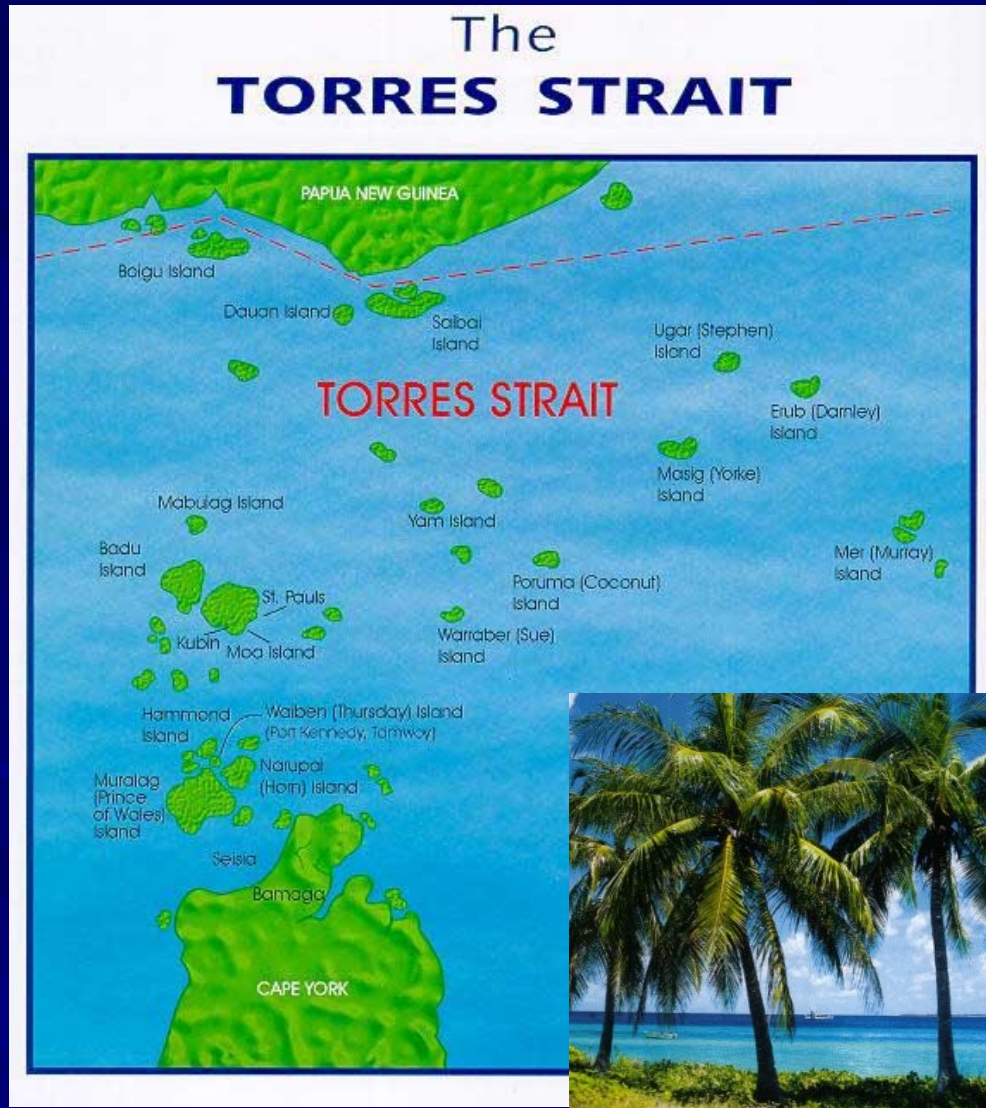
■ Baltic Sea



Particularly Sensitive Sea Areas

- **PSSA Guidelines**
- **Straits Used for International Navigation**
 - **Torres Strait PSSA**
- **High Seas and the EEZ**
 - **Baltic Seas PSSA**

Torres Strait PSSA



- **Australia proposed compulsory pilotage in the Torres Strait**
- **IMO approved a “recommendatory” pilotage**
- **Mandatory pilotage as a condition of port entry**

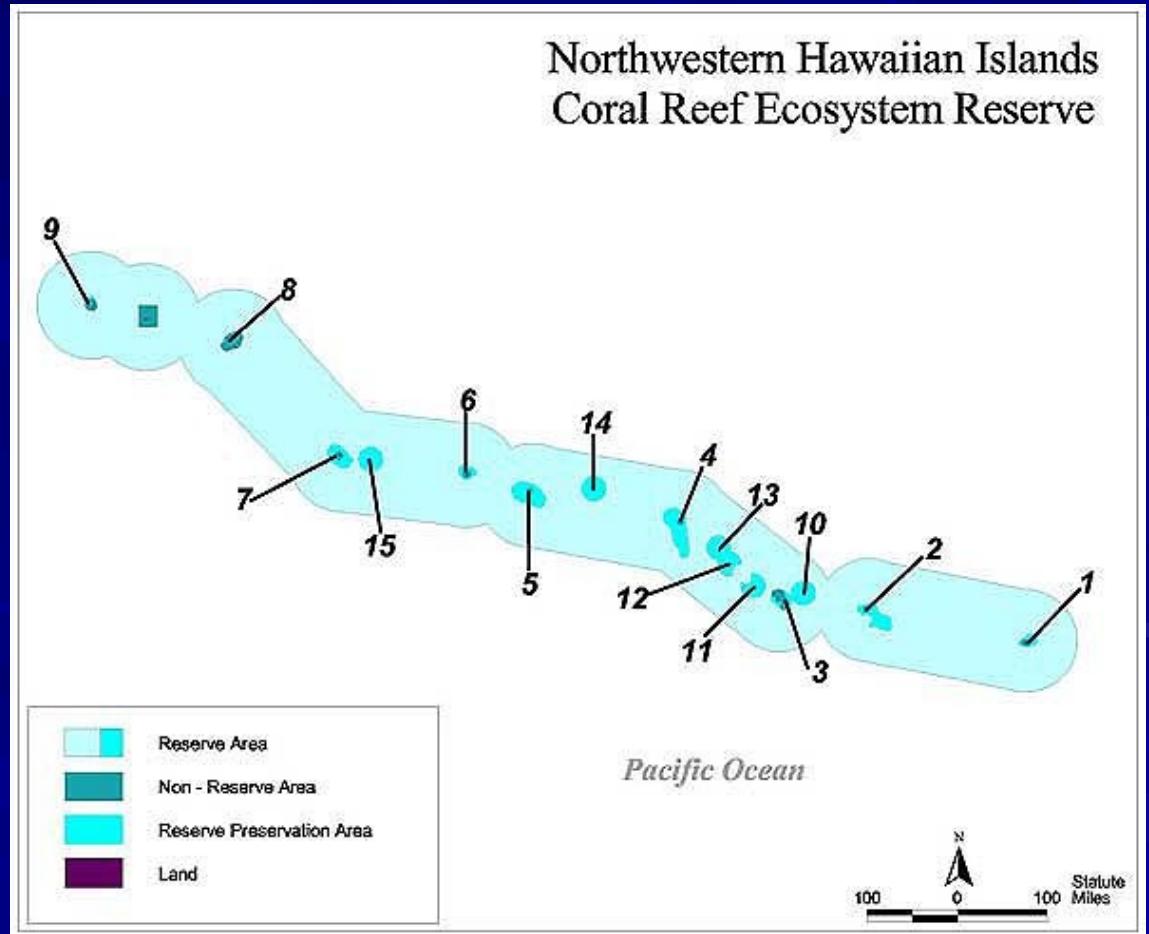
Baltic Sea PSSA

- **EU-supported proposal**
- **Russia opposed – overlap TS**



Northwestern Hawaiian Islands

■ USG actions - impact as precedent





Questions?

